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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,896	06/27/2003	Gordon Bruce Scarth	TR-161-US	6588
36630	7590	11/04/2008	EXAMINER	
VICTORIA DONNELLY PO BOX 24001 HAZELDEAN RPO KANATA, ON K2M 2C3 CANADA			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2457	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,896

Applicant(s)

SCARTH, GORDON BRUCE

Examiner

RAMY M. OSMAN

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on September 2, 2008, where applicant amended claim 5 and cancelled claim 4. Claims 1-3,5-13 are pending.

Response to Arguments

2. The previous 112 rejection is withdrawn.
3. Applicant's arguments, filed 9/2/2008, with respect to the rejection(s) of claim(s) 1-13 have been fully considered but are not persuasive.
4. On pgs 6-8 of Applicants remarks, Applicant argues that the definition of the limitation "service" is described in the specification in a way that Valadarsky does not teach.

In reply, "service" is abroad limitation and has thus been broadly interpreted. It is noted that the features upon which applicant relies (i.e., the specified portions of the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims have been rejected based upon their broadest reasonable interpretation. Any network element, module or feature can satisfy the broad limitation of "service". It is improper to import claim limitations from the specification (see MPEP 2111.01). Applicant is thus given the opportunity to amend the claims to better reflect what Applicant intends to claim as the invention.

5. On pgs 10-11, Applicant argues that Valadarsky does not teach “alarms associated with a service”.

In reply, as noted above, “service” is abroad limitation and has thus been broadly interpreted. Valadarsky satisfies this broad limitation because Valadarsky discloses connected alarms (i.e. grouped) to a mutual root cause which could be something like a cable (i.e. service) alarm as mentioned in ¶ 355.

6. On pg 13, Applicant argues that Valadarsky does not teach “arranging alarms according to a sequence...”.

In reply, the limitation “arranging” is broad and is thus broadly interpreted. Valadarsky satisfies this broad limitation because Valadarsky discloses arranging the behavior of alarms.

7. Applicants claims are broad and are thus given their broadest reasonable interpretation.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Valadarsky (US Patent Publication No 2002/0111755).**

10. In reference to claim 1, Valadarsky teaches a method for describing a problem in a network comprising a number of network entities, the method comprising:

selecting a subset of alarms associated with a service, said service having a unique identifier and being carried by a path in the network, the subset of alarms being selected from a list of alarms in the network (§ 145 & § 355, Valadarsky discloses generating alarms);

grouping alarms in the subset of alarms associated with said service in a number of groups of alarms, each group of alarms being associated with said service and a network entity (§ 134 & § 335, Valadarsky discloses grouping correlated alarms);

arranging the groups of alarms according to a sequence in which they appear in a traversal of one of the forward direction and return direction of the path of the service in the network (§s 366-369, Valadarsky discloses alarm traversal based on topology);

and

transforming each alarm in each group of the selected subset of alarms into a problem description for the service (§s 160-162 & §s 382-384, Valadarsky discloses alarm description based on root-cause).

11. In reference to claim 2, Valadarsky teaches a method as described in claim 1, further comprising the step of providing a corrective procedure in response to at least one alarm in said subset of alarms (§ 105).

12. In reference to claim 3, Valadarsky teaches a method as described in claim 1, wherein said grouping further associates each group of alarms with a type of said network entity, where a type of said network entity is one of: a node, a bay, a quadrant, a slot, a card and a port (§ 355).

13. In reference to claim 4, Valadarsky teaches a method as described in claim 1, wherein the step of grouping comprises associating each alarm in the subset of alarms with one of the network entities carrying the service (§ 134 & § 335).

14. In reference to claim 5, Valadarsky teaches a method as described in claim 1, wherein the step of grouping comprises associating at least one alarm in the subset of alarms with at least two of network entities carrying the service (§ 134 & § 335).

15. In reference to claim 6, Valadarsky teaches a method for describing a problem in a network comprising a number of network entities, the method comprising:

selecting a subset of alarms associated with a service, said service having a unique identifier and being carried by a path in the network, the subset of alarms being selected from a list of alarms in the network (§ 145 & § 355);

grouping alarms in the subset of alarms associated with said service in a number of groups of alarms, each group of alarms being associated with said service and a network entity (§ 134 & § 335);

arranging the groups of alarms according to a sequence in which they appear in a traversal of one of the forward direction and return direction of the path of the service in the network (§s 366-369); and

transforming each alarm in each group of the selected subset of alarms into a problem description for the service (§s 160-162 & §s 382-384);

wherein the step of transforming each alarm further comprises the step of forming at least one template including text substitution markers (§s 383-406).

16. In reference to claim 7, Valadarsky teaches a method as described in claim 6, wherein the text substitution markers correspond to network entities (§§s 383-406).

17. In reference to claim 8, Valadarsky teaches a method as described in claim 6, wherein said path is a two way path and the step of arranging the groups of alarms comprises arranging the groups of alarms in a direction of the path from the beginning of the path to an end of the path (§§s 366-369).

18. In reference to claim 9, Valadarsky teaches a method as described in claim 6, wherein said path is a two way path and the step of arranging the groups of alarms comprises arranging the groups of alarms in a direction of the path from an end of the path to the beginning of the path (§§s 366-369).

19. In reference to claim 10, Valadarsky teaches a method for describing a problem in a network comprising a number of network entities, the method comprising:

selecting a subset of alarms associated with a service, said service having a unique identifier and being carried by a path in the network, the subset of alarms being selected from a list of alarms in the network (§§ 145 & § 355);

grouping alarms in the subset of alarms associated with said service in a number of groups of alarms, each group of alarms being associated with said service and a network entity (§§ 134 & § 335);

arranging the groups of alarms according to a sequence in which they appear in a traversal of one of the forward direction and return direction of the path of the service in the network (§§s 366-369); and

transforming each alarm in each group of the selected subset of alarms into a problem description for the service (§§ 160-162 & §§ 382-384);

wherein the type of problem comprises one or more of the following types of problems: a missing channel identification alarm; an unexpected channel identification alarm; a loss of signal alarm; and a channel power out of range alarm (§ 384).

20. In reference to claim 11, Valadarsky teaches a method as described in claim 1, wherein the description is a verbal description (§ 484-492).
21. In reference to claim 12, Valadarsky teaches a method as described in claim 11, wherein the description is a text description (§ 484-492).
22. In reference to claim 13, Valadarsky teaches a method as described in claim 1, wherein the description is a pictorial description (§ 484-492).

Conclusion

23. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.
24. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner (Temp), Art Unit 2457

October 30, 2008